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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: TORTURE AND DETENTION

Written statement submitted by the International Rehabilitation Council for Torture Victims, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 1999]

GE.99-10611 (E)

Introduction

1. The International Rehabilitation Council (hereinafter IRCT) is a non-political and independent association of centres for the rehabilitation of torture victims. IRCT represents the health profession's response to the problem of torture. The primary objectives of IRCT are to promote and facilitate access to rehabilitation for primary and secondary victims of torture, and to contribute to the prevention of torture globally.

Medical aspect of torture

2. As a health professional organization, IRCT is particularly concerned with the medical aspect of torture. The analysis and documentation the health professionals have made concerning torture is our strength. By helping the victims we gained new insight into the aims and effects of torture. IRCT would like to draw attention to the role of health professionals in the work against torture.

3. First of all, it is important to realize that health professionals possess valuable expertise in recognizing, documenting and healing cases of torture. This requires both the international community and the health care profession themselves to work actively for their inclusion and recognition in the framework of the human rights institutions and their work.

4. Second, it is important to recognize the important work carried out by health professionals as healers once torture has taken place. Little interest seems to be taken by the international community in torture victims unless their story can be used in order to create focus or in order to support a statistic. Experience has shown that torture victims are often victims in a double sense. First, by being exposed to the physical/psychological act of torture and, second, by not being able to talk about it. This is caused by a feeling of shame and guilt instilled in the victims by the torturer throughout the process. IRCT believes that it is important that they be offered a chance to be rehabilitated without having to tell their story to anyone but the health care personnel involved in their rehabilitation.

5. Third, it is important to protect health care personnel who may be in danger of becoming involved in torture. The ethical and moral code of health professionals has to be emphasized and developed. Training and discussion in ethical dilemmas is essential. In addition, the legal rights of those health professionals who refuse to take part in torture have to be ensured. They are often threatened with torture themselves or are prosecuted for disobeying orders.

6. IRCT urges the Commission to recognize the central role already played by the health profession and the potential for development existing within the profession, in the fight against torture. To this end, IRCT asks for increased support to the United Nations Voluntary Fund for Victims of Torture in order to secure the economic foundation for medical services to victims of torture.

Impunity

7. One of the sad facts discovered during the work of rehabilitation is that the aim of torturers is to imprint their victims with horrors which will not only continue to follow them for the rest of their lives but will also adversely effect any personal relationships the victim has with other human beings. Although the victims may escape the mere physical control of their torturers, the physical and mental scars left on the victims will ensure the shadowy presence of their torturers for the rest of their lives.

8. Doing nothing is a choice as much as an abusive act. This may also be reflected in impunity for perpetrators, which is both a denial and an implicit recognition of the torture which has taken place. Impunity for violations of human rights keeps the torture victims in a perpetual painful feeling that injustice is done to them again and again, long time after the physical torture is over.

9. A form of recognition which will be an important tool in the fight against impunity is the recent adoption of 26 June as United Nations Day for Victims of Torture. This year, IRCT, along with a number of other international NGOs working against torture, has chosen impunity as the theme of its 26 June commemoration. By seeing their torturers brought to justice, the victims will have final proof that the international community regards the torturers as the criminals; it is they who should feel shame and guilt, not the victims.

10. IRCT urges the swift adoption of the principles for the protection and promotion of human rights through action to combat impunity.

11. Furthermore, IRCT urges the swift adoption of the proposed basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law, seeing this as an important element of the fight against impunity.

International obligations

12. The Convention against Torture, the most important international legal instrument in the fight against torture, is one of the least ratified of the major international human rights instruments. Together with five other international NGOs, IRCT stands behind a campaign for ratification of the Convention against Torture. The Convention contains important provisions concerning States' obligation not only to prevent and punish torture, but also to provide rehabilitation services in those instances where torture has already taken place. In this respect, it is crucial that States implement the provisions of the Convention and that they take concrete action in order to ensure the rights laid down therein.

13. We urge the Commission to give recognition to and support this initiative.

14. Furthermore, IRCT would like to see the adoption of an unambiguous and strong text of the optional protocol to the Convention against Torture, in order to prevent torture in places of detention.

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